



Atty. Docket No.: 4231/2002

PATENT

1631
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Liew, et al.	Examiner:	Lee, Matthew C.
Serial No.:	10/085,783		
Filed:	February 28, 2002	Group Art Unit:	1631
Titled:	COMPOSITIONS AND METHODS RELATING TO OSTEOARTHRITIS	Conf. No.:	8718

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

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Commissioner for Patents
P.O. Box 1450
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**RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY
AMENDMENT**

Dear Sir:

Restriction Requirement

In response to the Restriction Requirement dated July 9, 2004, Applicants elect Group XVI, Claims 36-44 for prosecution on the merits, with traverse.

Applicants have canceled claims 36-44 and substituted newly added claims 58-73 which more clearly define the invention according to the subject matter of Group XVI. Applicants respectfully request that newly added claims 58-73 be included in Group XVI. Support for newly added claims can be found in the originally filed claims and throughout the specification. No new matter has been added.

The traversal is on the grounds that Group XV should be rejoined with Group XVI. since Groups XV and XVI are related as a product and product by process, respectively. MPEP § 803 states, inter alia, "There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent . . . or distinct as claimed; and (B) There must be a serious burden on the examiner if restriction is required"

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Because Groups XV and XVI are related as a product and product by process, respectively, there would not be a serious search burden should Group IV be rejoined with Group XVI.

A Petition for Extension of Time and the appropriate fee are being filed concurrently with this response. Please charge any necessary fees required in connection with the paper transmitted herewith to Deposit Account No. 16-0085, Reference No.: 4231/2002.

Preliminary Amendment

Amendments to the Claims are shown in the "Listing of the Claims" which begins on page 3 of this paper. Please cancel claims 36-44. Please add claims 58-73.

Remarks begin on page 16 of this paper.

Applicants respectfully request entry of the amendments and remarks.

Should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 16-0085, Reference No. 4231/2002.